

ORDINANCE NO. 20121206-112

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2012 FOR PROPERTY IN THE EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings: The Council finds that:

- (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code (Act) authorized the creation of the East Sixth Street Public Improvement District (District).
- (B) On August 20, 2009, the City Council passed a resolution, which approved the reauthorization of the District in accordance with its findings.
- (C) On December 8, 2011, the City Council approved a calendar year 2012 assessment rate, proposed year 2012 assessment roll, and a Service Plan and Budget for the District.
- (D) On January 12, 2012, the City Council held a public hearing, properly noticed under the Act, to consider the levy of the proposed assessments on property within the District for calendar year 2012.
- (E) At the January 12, 2012 public hearing, the City Council heard each objection to a proposed assessment, found in each case that the assessments levied against each parcel are reasonable and consistent with the special benefits conferred by the District, and passed on each objection before it closed the public hearing.
- (F) The assessments set out in Exhibit A, attached to and incorporated in this ordinance:
 - (1) should be made and levied against the property and property owners within the District;
 - (2) are in proportion to the benefits to the property for the services and improvements in the District; and
 - (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owner for the benefits received and burdens imposed.

- (G) In each case, the property assessed is benefited by the services and improvements provided in the District.
- (H) The exclusion of certain property from assessment is reasonable because the excluded property will not receive a benefit from the District that is sufficient to justify an assessment and the exclusions promote efficient management of the District.
- (I) The procedures followed and apportionment of the cost of the services and improvements in the District comply with applicable law and the purpose for which the District was formed.
- (J) The assessments are based on the Travis Central Appraisal District appraised value of property within the District.

PART 2. Exemptions and Exclusions. The Council exempts the following from payment of the assessment and excludes from the assessment roll:

- (A) City property used for a public purpose;
- (B) property owned by the County, or a political subdivision of the State of Texas and used for a public purpose;
- (C) property exempt from taxation under Section 11.20 (*Religious Organizations*) of the Texas Property Tax Code;
- (D) property used exclusively for school purposes, as identified by the Travis Central Appraisal District records;
- (E) property owned by an association engaged in promoting the religious, education, and physical development of boys, girls, young men or young women operating under a state or national organization and used exclusively for such purpose, including property owned by the Austin Independent School District;
- (F) property owned by an institution of purely public charity, as identified by the Travis Central Appraisal District records;
- (G) property used primarily for recreational, park, or scenic purposes during the calendar year immediately preceding the effective date of this ordinance;
- (H) property owned by a utility that is located in a public street or rights-of-way;
- (I) property used as a residence that fits the definition of a homestead in Section 41.002 (*Definition of Homestead*) of the Texas Property Code;

(J) any hospital; and

(K) the valuation over \$500,000 of property liable for assessment.

PART 3. Assessment and Levy. The assessments shown on Exhibit A are levied and assessed against the property in the District and against the record owner of the property identified by the Travis Central Appraisal District records.

PART 4. Liability of Multiple Owners. Each owner of property in the District owned by two or more individuals or entities is personally liable for the amount of the assessment equal to the share of the total assessment against the property based on the owner's partial interest in the total property ownership. A property owner's interest in property may be released from an assessment lien if the owner pays the owner's proportionate share of an assessment.

PART 5. Interest and Lien.

(A) An assessment shown on Exhibit A:

- (1) accrues interest at the rate of 0% from the effective date of this ordinance until March 1, 2012;
- (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after March 1, 2012, until paid; and
- (3) is a lien on the property shown in Exhibit "A" and the personal liability of the property owner.

(B) A lien executed under this ordinance is the first enforceable lien and claim against the property on which an assessment is levied, and is superior to all other liens and claims except a state, county, school district, or City ad valorem tax.

PART 6. Due Date and Collection. An assessment is due and payable in full on or before March 1, 2012. If a property owner defaults on payment of an assessment against the owner's property, the city manager may file suit to collect the assessment and may initiate a lien foreclosure, including interest, penalties, costs and attorney's fees.

PART 7. Statutory Authority. The assessments levied by this ordinance are made under the authority of Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code.

PART 8. Reassessment.

- (A) If the Travis Central Appraisal District's appraised value of property in the District is reduced by a court order, not subject to further appeal, or by a final settlement or appeal process of the Travis Central Appraisal District, the city manager shall reduce the assessment on the property, so that the reduction in value reduces an assessment as calculated in accordance with this ordinance, under Section 372.020 (*Reassessment*) of the Texas Local Government Code.
- (B) The city manager shall reimburse a property owner the amount of an excess assessment paid to the City based on the reduction in the Travis Central Appraisal District's appraised value of the property, plus interest on the excess payment at the rate of 1.75 percent per annum.
- (C) The City Manager shall reimburse assessments that have been paid on property that has been approved for a homestead exemption by the Travis Central Appraisal District, for those years for which the Appraisal District has approved a homestead exemption.

PART 9. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 10. This ordinance takes effect on December 17, 2012.

PASSED AND APPROVED

_____ December 6 _____, 2012

§
§
§

Lee Luffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

Exhibit A

City of Austin
Austin East Sixth Street Public Improvement District
2013 Assessment

Parcel Number	Parcel Owner	Assessment
02-0603-0613-0000	WALTON STACY OFFICE PARTNERS IV L P c/o WALTON STREET CAPITAL L P	\$750.00
02-0603-0615-0000	WALTON STACY OFFICE PARTNERS IV L P c/o WALTON STREET CAPITAL L P	750.00
02-0603-0616-0000	WALTON STACY 515 PARTNERS IV LP c/o WALTON STREET CAPITAL LLC	750.00
02-0603-0617-0000	WALTON STACY LF LAND PARTNERS IV LP	750.00
02-0603-0618-0000	WALTON STACY LF LAND PARTNERS IV LP	750.00
02-0603-0701-0000	HVP AUSTIN SCARBROUGHT L P c/o HEITMAN CAPITAL MANAGEMENT	750.00
02-0603-0711-0000	IMOB LLC	750.00
02-0603-0712-0000	GREAT AMERICAN LIFE INSURANCE CO c/o LH BRAZOS HOLDING LP (LEASEE)	750.00
02-0603-0713-0000	LH-JV DRISKILL HOLDING LP c/o LOWE ENTERPRISES INVESTMENT MANAGEMENT	750.00
02-0803-0714-0000	JLKP BRAZOS 610 FAMILY LIMITED LIMITED PARTNERSHIP	750.00
02-0603-1102-0000	201 EAST 6TH STREET LLC	750.00
02-0603-1103-0000	GROVE DRUG BUILDING L L C c/o RICHARD H FRENCH JR	750.00
02-0603-1104-0000	RENDON ADOLFO & VALERIE VARGAS DBA MARISCO GRILL	750.00
02-0603-1105-0000	LAVES BENARD & HAROLD P LAVES	720.11
02-0603-1106-0000	LAVES BENARD & HAROLD HAROLD PACEY LAVES	750.00
02-0603-1107-0000	LAVES BENARD & HAROLD P LAVES	750.00
02-0603-1108-0000	CEREAL BOWL L C	750.00
02-0603-1109-0000	TOUCHE INC	750.00
02-0603-1208-0000	WC 6TH AND SAN JACINTO LP	750.00
02-0603-1209-0000	REWBOW LLC	750.00
02-0603-1210-0000	WHIMSICAL NOTIONS INC DBA JAZZ A LOUISIANA KITCHEN	750.00
02-0603-1214-0000	HANNIG ROW PARTNERSHIP c/o CENCOR REALTY SERVICES	750.00
02-0603-1603-0000	CIRKIEL MARTIN & PAMELA	750.00
02-0603-1604-0000	RADKEY EDITH INGRID c/o SATTAR INVESTMENTS ATTN STEPHANIE	750.00
02-0603-1605-0000	AUSTIN APOLLO ENTERTAINMENT INC	485.76
02-0603-1606-0000	VALENTINE & FRIENDS INC c/o M SUE ARLEDGE	750.00
02-0603-1607-0000	LEAGUE ENTERPRISES LLC	354.92
02-0603-1608-0000	SIMMS JOHN LEE & JOAN L MCLEOD JOAN LOUISE SIMMS MCLEOD	325.17
02-0603-1609-0000	PECAN STREET PROPERTY LLC ATTN: PROP TAX DEPT	633.99
02-0603-1610-0000	DENANCY TRUST	750.00
02-0603-1611-0000	SILBERTSTEIN NANCY BETH & DENA & DENANCY TRUST	750.00

Parcel Number	Parcel Owner	Assessment
02-0603-1612-0000	321 EAST 6TH ST LTD	750.00
02-0603-1613-0000	323 E 6TH ST LLC	524.18
02-0603-1614-0000	SMITH-HAGE BUILDING L P c/o JAMIL BOUKARIM	750.00
02-0603-1701-0000	HOTI AGIM & MARY	664.96
02-0603-1706-0000	PECAN STREET REAL ESTATE HOLDINGS INC	750.00
02-0603-1707-0000	CRADDOCK PROPERTIES L L C	750.00
02-0603-1708-0000	CRADDOCK PROPERTIES L L C	518.10
02-0603-1709-0000	316 E SIXTH LLC	750.00
02-0603-1710-0000	MANOS GLORIA ZEGUB & CHARLENE ZEGUB	750.00
02-0603-1711-0000	CRADDOCK VENTURES LLC	750.00
02-0603-1712-0000	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	750.00
02-0603-1713-0000	RAMZI CORP	750.00
02-0603-1714-0000	RAMZI CORP	750.00
02-0603-1715-0000	JIMENEZ-HERRERA LILIA	750.00
02-0604-0102-0000	ARMSTRONG HAL B III	750.00
02-0604-0103-0000	SIXTH EAST HOLDINGS LLC	750.00
02-0604-0104-0000	SCHULTZ ENTERPRISE LLC c/o DOUGLAS A BOOTH	750.00
02-0604-0105-0000	DESILVA DAVID IRI	750.00
02-0604-0106-0000	JABOUR ARTHUR	511.85
02-0604-0107-0000	KOURI & KOURI 6TH ST PROPERTIE PROPERTIES L L C c/o TOM KOURI	625.94
02-0604-0108-0000	RATR INC	750.00
02-0604-0109-0000	421 SIXTH ST LTD	750.00
02-0604-0110-0000	AMITIE L P	750.00
02-0604-0201-0000	WOOLDRIDGE ASSOCIATES LLC	750.00
02-0604-0203-0000	LAKE INVESTMENT & PRODUCTION PRODUCTION CO	693.90
02-0604-0208-0000	JO ME NI	750.00
02-0604-0209-0000	418 EAST 6TH STREET LLC & ETAL c/o STEPHEN SIMON	750.00
02-0604-0210-0000	CARLIN JOE	618.94
02-0604-0211-0000	JABOUR THEODORE AND ARTHUR	445.83
02-0604-0212-0000	SIMS WILLIAM EARL & JANIE M	531.66
02-0604-0213-0000	GRAEBER LARRY	750.00
02-0604-0214-0000	EAST 6TH STREET-408 L P	750.00
02-0604-0215-0000	408 E SIXTH STREET LTD	750.00
02-0604-0216-0000	404 E SIXTH STREET LTD	750.00
02-0604-0217-0000	402 EAST SIXTH VENTURE INC ATTN DAVID BALDRY	750.00
02-0604-0218-0000	COHEN GARY SCOTT & ETAL c/o SUMMERFIELD WILLEN	750.00

Parcel Number	Parcel Owner	Assessment
02-0604-0501-0000	GRIMES DAVID H & ELIZABETH C	557.71
02-0604-0502-0000	GRIMES DAVID H & ELIZABETH C	711.23
02-0604-0503-0000	GSD ENTERPRISES L P	750.00
02-0604-0504-0000	EAST SIXTH STREET LTD	750.00
02-0604-0505-0000	BOOTHE TERRY E c/o T BOOTHE COMMISSION COMPANY	750.00
02-0604-0506-0000	505-507 SIXTH LLC	750.00
02-0604-0507-0000	LAMAR ENTERPRISES INC	397.23
02-0604-0508-0000	BERNHARD GARY L & ELIZ	469.58
02-0604-0509-0000	CASMARK PROPERTIES LLC	644.70
02-0604-0510-0000	3 DH JOINT VENTURE c/o CARL DAYWOOD	423.59
02-0604-0511-0000	SHELTON MICHAEL L & SHANNON SEDWICK	750.00
02-0604-0514-0000	MAURO CARMELO & HILARY	750.00
02-0604-0516-0000	LAMAR ENTERPRISES INC	402.30
02-0604-0517-0000	COMPANY 512 DBA FORBIDDEN FRUIT	395.20
02-0604-0606-0000	CARRINGTON GROUP L L C	750.00
02-0604-0607-0000	OLSON LARUE FAMILY TRUST & M L M L O REVOCABLE TRUST	428.22
02-0604-0608-0000	OLSON LARUE FAMILY TRUST & M L M L O REVOCABLE TRUST	443.36
02-0604-0609-0000	OLSON LARUE FAMILY TRUST & M L M L O REVOCABLE TRUST	450.11
02-0604-0610-0000	508 E SIXTH STREET LTD	750.00
02-0604-0611-0000	500 E 6TH STREET INC	750.00
02-0604-0612-0000	CASTRO FRANK SOLIS	582.51
02-0604-1001-0000	GRANT BUILDINGS L P c/o SPIRE REALTY GROUP INC	750.00
02-0604-1110-0000	DAYWOOD CARL	750.00
02-0604-1111-0000	3DH JOINT VENTURE	489.21
02-0604-1112-0000	ALAMO DRAFTHOUSE CINEMAS LLC	750.00
02-0604-1113-0000	SIXTH RED RIVER LC	554.86
02-0604-1115-0000	SIXTH RED RIVER LC	750.00
02-0604-1116-0000	BURLESON JOYCE ANN	531.46
02-0604-1117-0000	600 ESIX LC	750.00
02-0604-1501-0000	LUNDELL LIMITED PARTNERSHIP	750.00
02-0604-1504-0000	OGDEN ROBERT L & MARY D LIMITED PARTNERSHIP & MARY DELONEY OGDEN LLC	750.00
02-0604-1505-0000	CHELF JEANETTE	536.56
02-0604-1506-0000	SIXTH WEST OF 723 LC	750.00
02-0604-1507-0000	SIXTH WEST OF 723 LC	718.47
02-0604-1508-0000	SIXTH WEST OF 723 LC	708.03
02-0604-1510-0000	723 SIXTH LC	376.07

Parcel Number	Parcel Owner	Assessment
02-0604-1517-0000	723 SIXTH LC	286.64
02-0604-1518-0000	723 SIXTH LC	90.40
02-0604-1520-0000	HH AUSTIN HOTEL ASSOCIATES L P c/o ASHFORD HOSPITALITY	750.00
02-0604-1607-0000	PARKING LOT SIXTH LC	562.83
02-0604-1608-0000	PARKING LOT SIXTH LC	428.03
02-0604-1609-0000	PARKING LOT SIXTH LC	218.46
02-0604-1610-0000	PARKING LOT SIXTH LC	231.96
02-0604-1611-0000	504 TRINITY LLC	750.00
02-0604-1612-0000	DAYWOOD RUBY TRUSTEE OF ANTHONY DAYWOOD FAMILY	750.00
		\$74,044.03

I, Diana Thomas, CPA, Controller City of Austin, affirm and attest that this is a true and correct account of all assessments used for the Austin Downtown Public Improvement District as of October 10, 2012 3:57 PM as furnished to the City of Austin by the Travis Central Appraisal District



Diana Thomas, CPA, Controller City of Austin